

ORIGINAL

Decision No. 48040

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

PERCY L. MUSSER)

) Application No. 33738

) for a License as a Motor Trans-)
) portation Broker.)

- Frank Loughran, for applicant.
- Marvin Handler, for Butler Freight Service and Callison Truck Lines, protestants.
- Douglas Brookman, for Way's Redwood Empire Freight Line, protestant.
- William Meinhold, for Northwestern Pacific Railroad Company, protestant.
- Harold M. Hayes, for Intercity Transport Lines and Intercity Motor Lines, protestants.

O P I N I O N

Percy L. Musser requests the issuance of a license permitting him to engage in the business of a motor transportation broker as defined by Section 4803 of the Public Utilities Code.

A public hearing was held at San Francisco before Examiner Silverhart. Butler Freight Service, Callison Truck Lines, Way's Redwood Empire Freight Line, Northwestern Pacific Railroad Company, Intercity Transport Lines and Intercity Motor Lines protested the granting of the application.

Applicant's testimony disclosed that he has been connected with the transportation industry in various capacities since 1933. The only motor carriers for whom he proposes to sell transportation and who have filed letters of authority for him so to do, are

as follows:

<u>Name</u>	<u>Address</u>	<u>Radial Highway Common Carrier Permit Number</u>
L. M. Downey	912 Heather Road, Colma	41-1546
Aram Kandarian	Route 8, Box 495, Fresno	10-7000
A. P. Melkonian	Route 6, Box 123, Fresno	10-7363
Max M. Magers	917 Baird Rd., Santa Rosa	49-1378
D. E. Overturf	Box 482, Santa Rosa	49-1487
Harry Sarkisian ✓	524 No. Fresno Street, Fresno	10-7136
E. Summers	1336 California Ave., San Pablo	7-953

Applicant intends to conduct the business from an office at 309 Broadway, Eureka and his residence 4041 William Street, Eureka. Applicant stated that shippers will advise him of their transportation needs. He will make such information available to the above-named carriers and will charge them \$10 for each truckload they obtain as a result thereof. Preparation of shipping documents and bills, maintenance of records, as well as the transportation itself, will be performed by the motor carrier concerned.

Protestants cross-examined applicant but did not testify or call witnesses.

Section 4835 of the Public Utilities Code provides as follows:

"The Commission, with or without hearing, may issue the license as prayed for, or may refuse to issue it, or may issue it for the partial exercise of the privilege sought. The commission shall not issue a license when, with or without hearing, it determines that (a) the applicant is not a fit and proper person to receive the license, or (b) the motor carriers for whom the applicant proposes to sell transportation have not complied, and are not complying and do not propose to comply, with state or federal laws, or all general orders of the commission, applicable to the operations of the motor carrier."

The record in this proceeding reveals no evidence requiring the application of the prohibition contained in Section 4835, supra.

The application will be granted. Applicant has filed a bond pursuant to the provisions of Section 4838 of the Public Utilities Code.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

(1) That the application of Percy L. Musser for a license to act as a motor transportation broker, as defined in Section 4803, Public Utilities Code, is granted subject to the following conditions:

- (a) That said licensee shall keep his license certificate as a motor transportation broker posted at his authorized places of business so that it is readily available to public inspection at all times.
- (b) That said licensee shall do business as a motor transportation broker only at 309 Broadway, Eureka and 4041 William Street, Eureka, until otherwise authorized by the Commission, and for motor carriers hereinafter named, or for whom he may hereafter from time to time be permitted to do business by any subsequent order or orders of the Commission.

(2) That the license of said applicant shall authorize him to sell, offer for sale, negotiate for, furnish or provide transportation of property over the public highways of this state, said transportation to be rendered only by the following:

<u>Name</u>	<u>Address</u>	<u>Radial Highway Common Carrier Permit Number</u>
L. M. Downey	912 Heather Road, Colma	41-1546
Aram Kandarjian	Route 8, Box 495, Fresno	10-7000
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(3) That the Secretary of the Public Utilities Commission is hereby authorized and directed to issue and deliver to Percy L. Musser the license certificate of the authority herein granted, said license certificate to be in the form heretofore adopted by the Commission for such license certificate and subject to the conditions hereinabove set forth.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at San Francisco, California, this 9th day of December, 1952.

[Signature]
President
Justus F. Calver
Harold P. Kula
[Signature]
[Signature]
Commissioners